

PUBLIC NOTICE

PERMIT APPLICATION: NRS 07.267

APPLICANT: Kevin Tucker
Milky Way Farm of TN, LLC
520 Milky Way Road
Pulaski, TN 38478
615-509-9060

LOCATION: 520 Milky Way Road, Pulaski, TN
Giles County (lat35.31088/long87.05502)

WATERSHED DESCRIPTION: The proposed impacts would affect unnamed intermittent tributaries to Richland Creek and Whittaker Branch. The unnamed tributaries are dry and bedrock/cobble bottomed with well defined channels. With the exception of Whittaker Branch, they are 1st and 2nd order tributaries draining the hillsides of the subject property. There are numerous springs on the site which have historically (circa 1930) been captured in spring boxes and impoundments for livestock watering. The land use in the area is rural agricultural. These tributaries have been assessed by the Columbia Field Office but lacked water for a tier determination. Also included in the resources is a ~10 acre (Galaxy Lake) pond that is currently dewatered. Geotechnical reports show that the pond is geologically unable to maintain water due to the fractious nature of the underlying limestone strata.

PROJECT DESCRIPTION: The applicant proposes to remove the existing dam and pond on stream #1 (intermittent trib to Richland Creek). Restore 380 feet of the upper reach through channel construction, bank restoration and stabilization, removal of debris and limited tree planting. Downstream of the pond there would be enhancement of 270 feet of stream channel through debris removal, bank stabilization and vegetative plantings. A 24' maintenance road crossing made of open bottom culvert would be installed. In the "town center" there would be a 55' culvert removed and the stream restored and a new crossing installed 36' long made of an open bottom culvert where neither side is in the streambed. Downstream of this site the historic rock wall at both banks would be reconstructed and repaired. Grassed terraces would be installed 15 – 30' from the top of bank and planted with native shrubs and trees. The earthen dam (currently breached) in stream #1 would be removed and the stream restored for a further 75' and an additional 970' of stream would be enhanced. A 20' equestrian crossing bridge would be installed to accommodate both pedestrian and equine traffic. Finally, the upgrade of Milky Way road would involve the removal of the existing 60' culvert (stream #1) and replacement with 36' of open bottom culvert for the road crossing. The applicant proposes to modify and impoundment (Rock Lake) on unnamed tributary #2. The pond outfall is badly eroded and turned at 90 degree angle into a deeply incised channel. The applicant proposes to enlarge the pond by relocating the earthen berm 50' impacting 180' of eroded channel. The overflow would be replaced at a position where it would re-enter the stream channel without scour. The applicant proposes to install a rock lined French drain in 420' and restoration of 130' of a steep, bedrock bottomed unnamed tributary to Whitaker Branch (Stream #3). The applicant proposes to impound a wet weather conveyance above the Stream #4 designation. Along the stream they shall remove the existing culvert and replace it with 40' of culvert. The stream above the culvert removal would be enhanced with bank stabilization and restoration. The applicant proposes to restore and reinforce the historic spring box and channel to "shooting star lake" (Stream #5). The dam for the pond would be reconstructed and the outfall channel would be restored from the outlet to "Galaxy Lake" (~230'). Galaxy lake (currently dewatered) would be reconfigured to include a central peninsula (for golf green) and a safety terrace around the edge. The impoundment would be lined and reconditioned to allow it to retain water.

The total proposed alterations involve 886' of intermittent stream channels. As mitigation, the applicant has proposed 1,505' credits worth of stream creation, restoration and enhancement (525 @ 1:1 - creation, 387' @2:1 – restoration, 326' @ 5 (or 6):1 enhancement and littoral shelf habitat creation @3:1 - 267'). In accordance with the Tennessee Antidegradation Statement (Rule 1200-4-3-.06), the division has determined that the proposed activity will not result in degradation to water quality.

More details on the proposal can be viewed on the Internet at
<http://www.state.tn.us/environment/wpc/ppo/arap>.

USGS TOPOGRAPHIC QUADRANGLE: Milky Way, TN

PERMIT COORDINATOR: [Brian Canada](#)

No decision has been made whether to issue or deny this permit. The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced.

TO WHOM IT MAY CONCERN: The application described below has been submitted for an Aquatic Resource Alteration Permit under *The Tennessee Water Quality Control Act of 1977*, T.C.A. §69-3-108. In addition, federal permits may be required from the U. S. Army Corps of Engineers and the Tennessee Valley Authority under §404 of the *Clean Water Act* and §26a of the *Tennessee Valley Authority Act*, respectively. Section 401 of the *Clean Water Act* requires that an applicant obtain a water quality certification from the state when a federal permit is required. This notice may cover applications subject to §401.

Interested persons may also request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department shall hold a public hearing in accordance with Rule 1200-4-7-.04(4)(f).

The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address for review and/or copying. The department's address is:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Water Pollution Control

7th Floor, L&C Annex

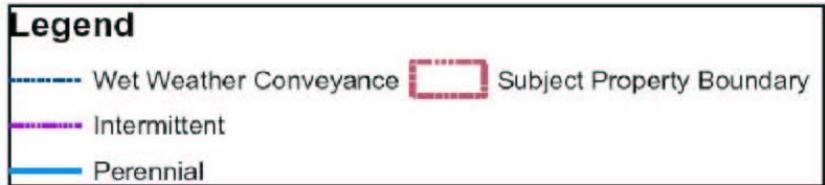
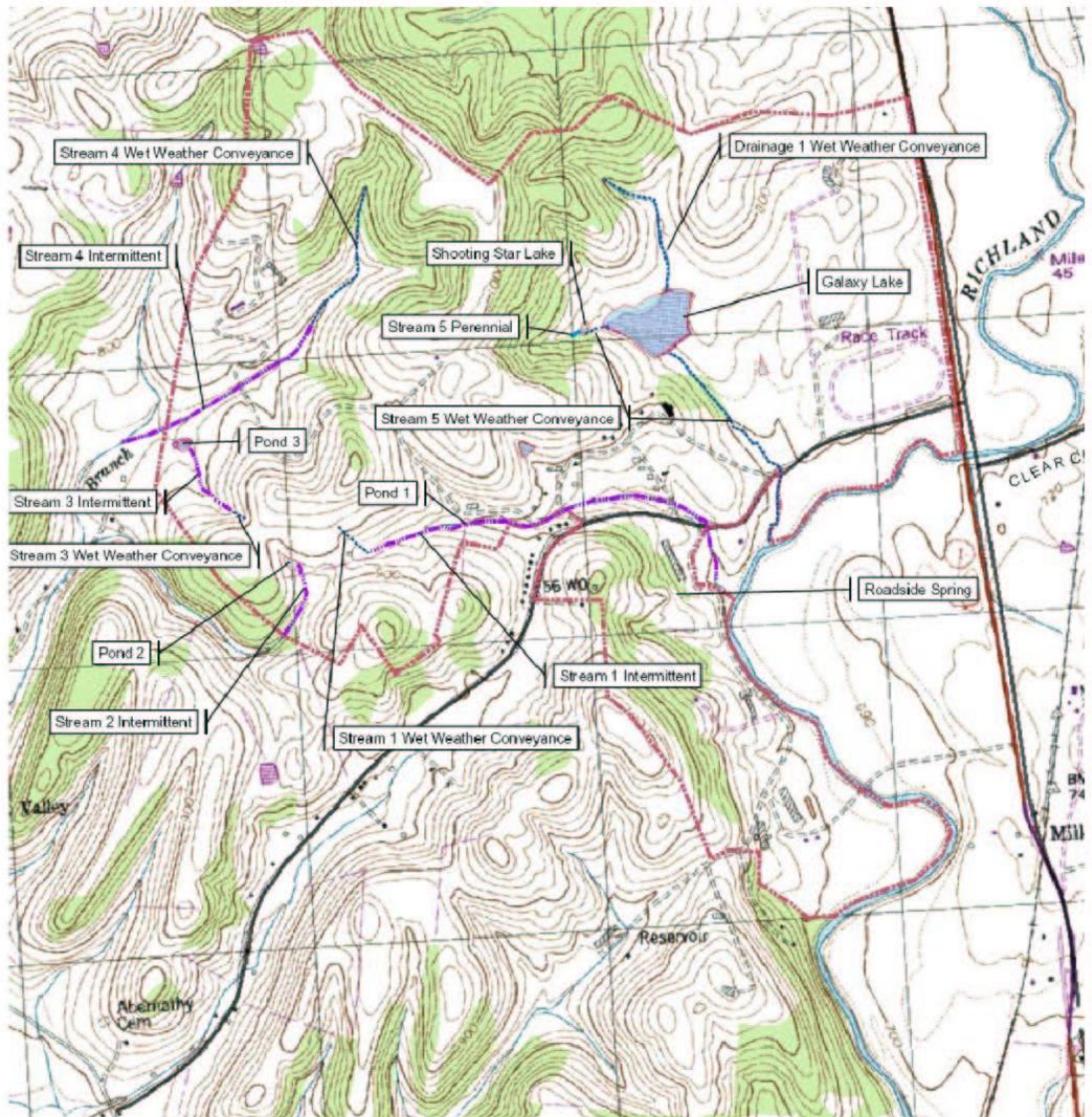
401 Church Street

Nashville, Tennessee 37243

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws.

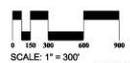
Stream Determinations

By Chad Augustin, TDEC
August 03, 2007



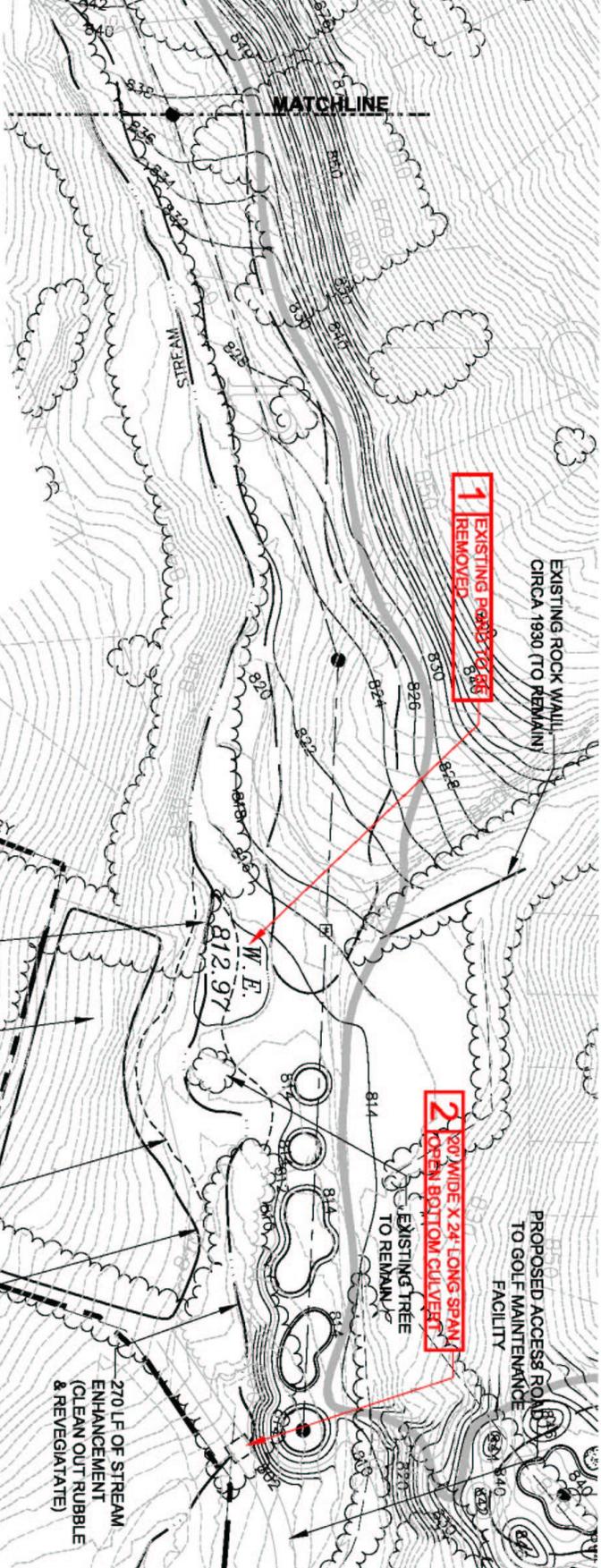
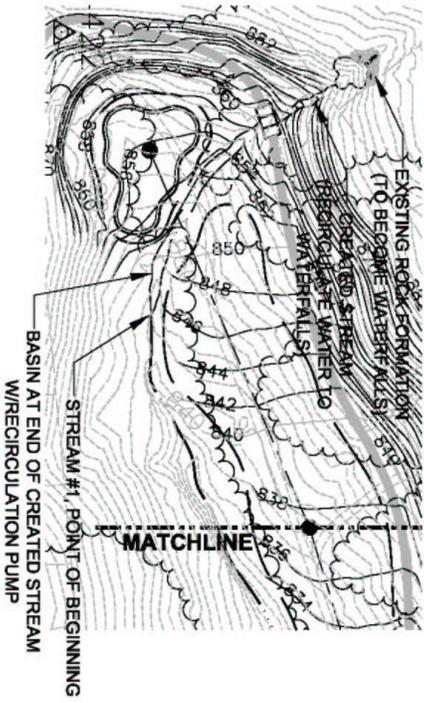


Milky Way Farms
&
Jay Haas Galaxy Club
OVERALL PHYSICAL
FEATURE IMPROVEMENTS



SCALE: 1" = 300'

14 AUGUST 2007



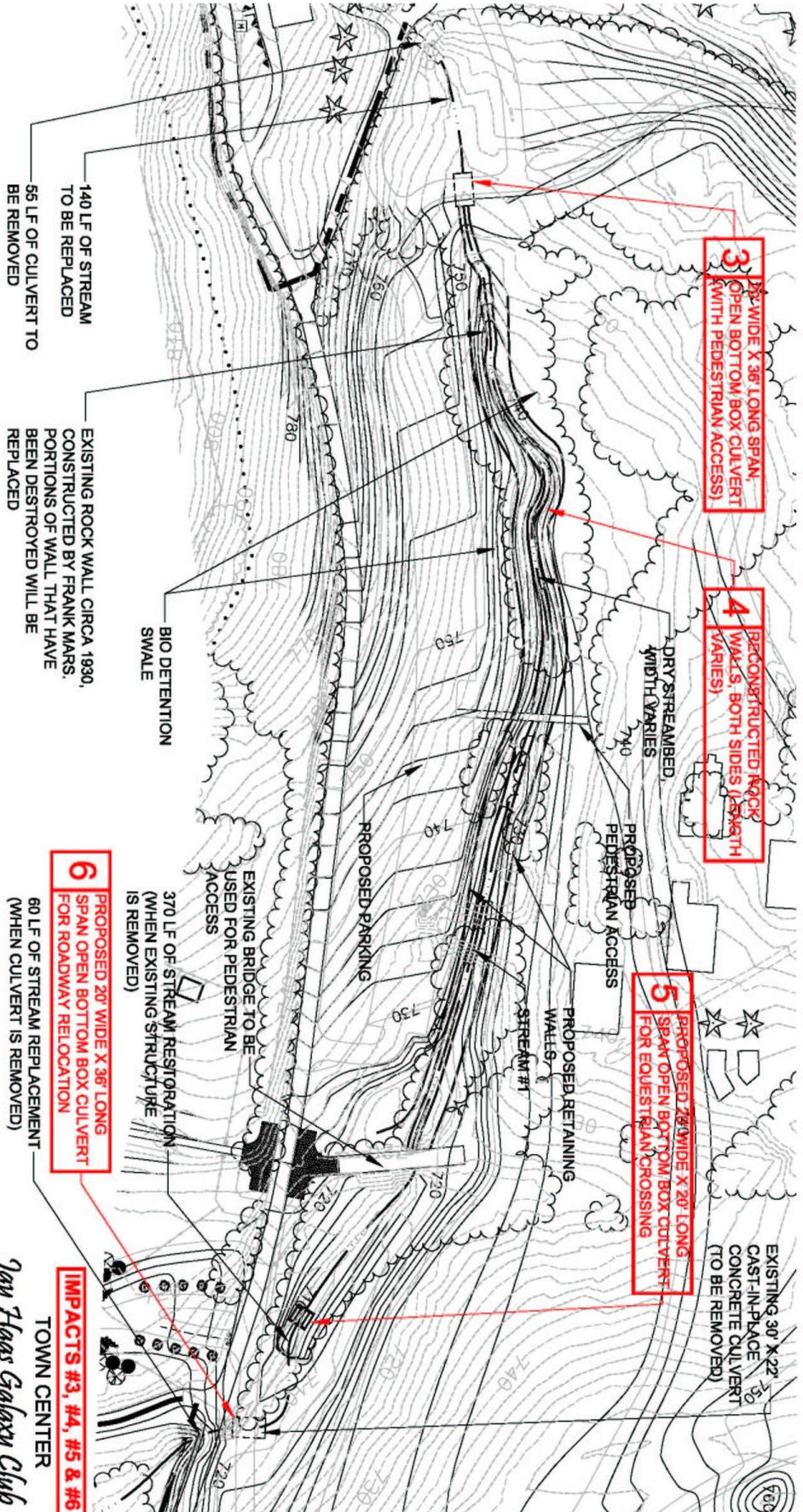
Jay Haas Galaxy Club
 Milky Way Farms
 INDIVIDUAL PERMIT

IMPACTS #1 & #2
 HOLE #13

0 25 50 100 150
 SCALE: 1" = 100'

NORTH

EXHIBIT 1 - AUGUST 14, 2007



1 36' WIDE X 36' LONG SPAN, OPEN BOTTOM BOX CULVERT (WITH PEDESTRIAN ACCESS)

2 RECONSTRUCTED ROCK WALLS, BOTH SIDES (LENGTH VARIES)

3 PROPOSED 20' WIDE X 20' LONG SPAN OPEN BOTTOM BOX CULVERT FOR EQUESTRIAN CROSSING

EXISTING 30' X 22' CAST-IN-PLACE CONCRETE CULVERT (TO BE REMOVED)

140 LF OF STREAM TO BE REPLACED
56 LF OF CULVERT TO BE REMOVED

EXISTING ROCK WALL CIRCA 1930, PORTIONS OF WALL THAT HAVE BEEN DESTROYED WILL BE REPLACED

4 PROPOSED 20' WIDE X 36' LONG SPAN OPEN BOTTOM BOX CULVERT FOR ROADWAY RELOCATION (WHEN CULVERT IS REMOVED)

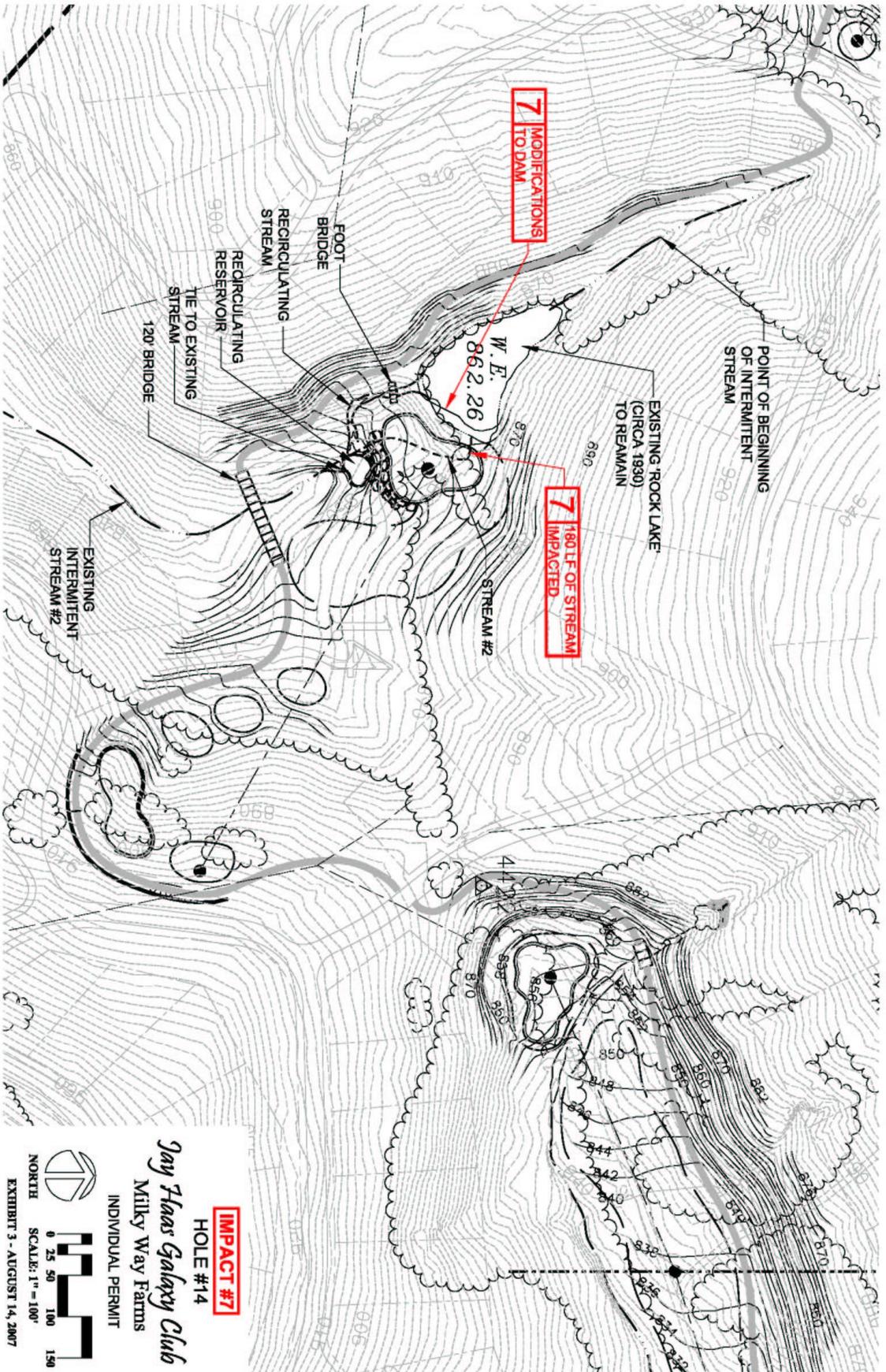
5 IMPACTS #3, #4, #5 & #6

60 LF OF STREAM REPLACEMENT (WHEN CULVERT IS REMOVED)

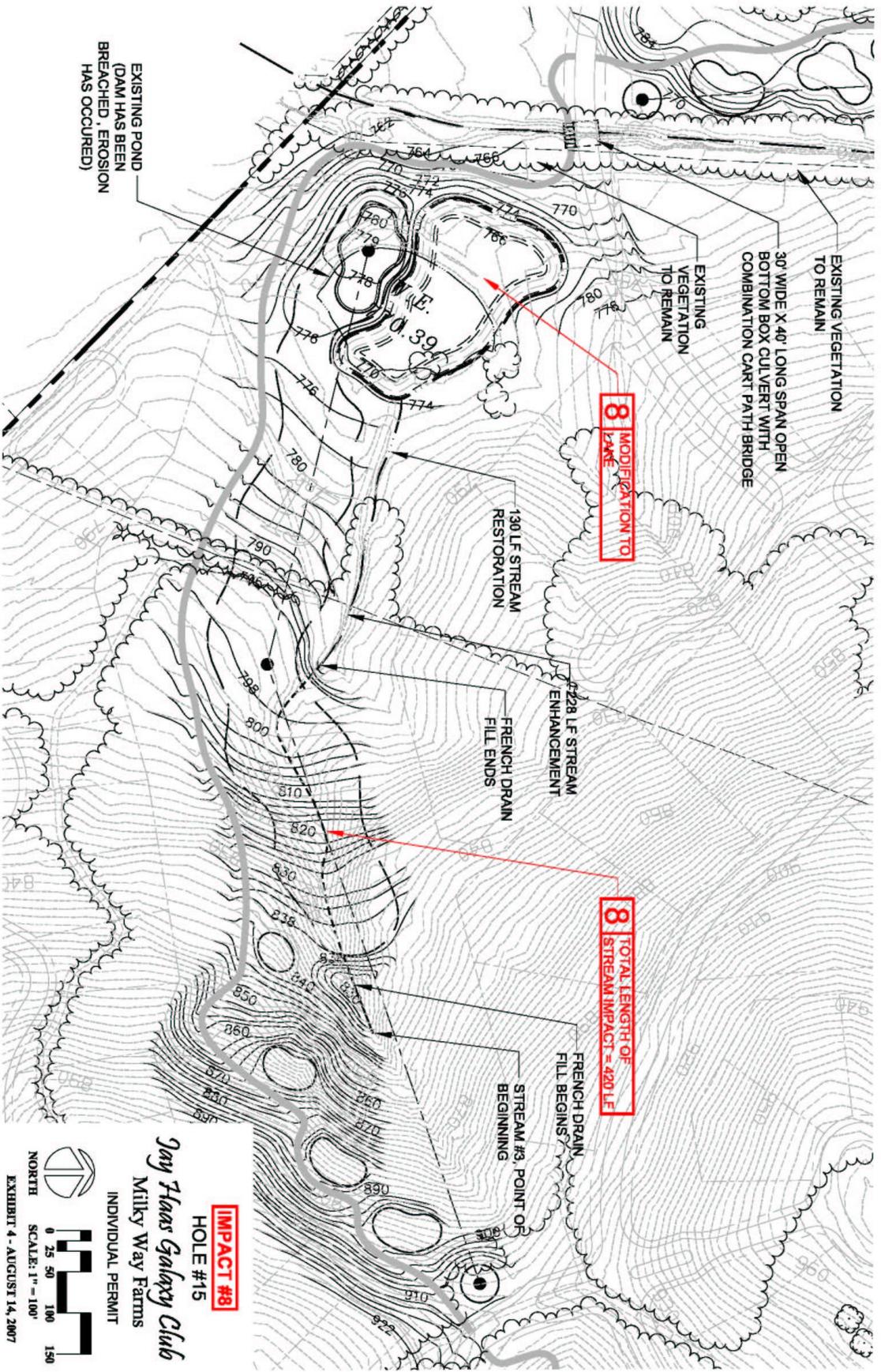
TOWN CENTER
Jay Haas Galaxy Club
Milky Way Farms



INDIVIDUAL PERMIT
SCALE: 1" = 100'
NORTH
EXHIBIT 2 - AUGUST 14, 2007



IMPACT #7
 HOLE #14
Jay Haas Galaxy Club
 Milky Way Farms
 INDIVIDUAL PERMIT
 NORTH
 SCALE: 1" = 100'
 EXHIBIT 3 - AUGUST 14, 2007



EXISTING POND
(DAM HAS BEEN
BREACHED, EROSION
HAS OCCURED)

EXISTING VEGETATION
TO REMAIN

30' WIDE X 40' LONG SPAN OPEN
BOTTOM BOX CULVERT WITH
COMBINATION CART PATH BRIDGE

EXISTING
VEGETATION
TO REMAIN

8 MODIFICATION TO
LAKE

130 LF STREAM
RESTORATION

228 LF STREAM
ENHANCEMENT

FRENCH DRAIN
FILL ENDS

8 TOTAL LENGTH OF
STREAM IMPACT = 420 LF

FRENCH DRAIN
FILL BEGINS

STREAM #3, POINT OF
BEGINNING

IMPACT #8

HOLE #15

Jay Haas Galaxy Club

Milky Way Farms

INDIVIDUAL PERMIT

0 25 50 100 150

NORTH

SCALE: 1" = 100'

EXHIBIT 4 - AUGUST 14, 2007

